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James M. Graham.

History of Sangamon County
Bar.

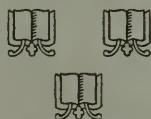
ILLINOIS HISTORICAL SURVEY





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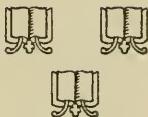
History *of* Sangamon County Bar



Address of
HON. JAMES M. GRAHAM
Delivered before Annual Meeting
of
Sangamon County Bar Association
January 27, 1931

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Mr. President and Members of the Bar of Sangamon County:

When your President honored me by asking me to prepare a paper on the Bar of Sangamon County, my first thought was, "What's the use of telling the lawyers what they know already." but my second thought was that some of them are a little younger than I and might be interested in hearing something of their professional predecessors; that what was personal experience to me might be in the nature of history to them. After I got started it became a labor of love.

I need hardly say that I shall not venture any comment on those who are still with us, and but little on those who have recently passed away, whose lives are still fresh in our memory.

Let me remark, by way of introduction, that you have a very considerable burden of responsibility to carry if you are to maintain the fine traditions of the Sangamon County Bar.

From the very organization of the County, in 1821, the Bar of this County took a leading place among the lawyers of Illinois—indeed, of the whole country—as lawyers and as statesmen. They reflected credit on Springfield and Sangamon County, at the Bar, on the bench, in the field, in the Legislative Halls of State and Nation, and even in the White House.

It is significant that all three of the Representatives now in the General Assembly from this District are members of the Springfield Bar.

With so many illustrious exemplars from Sangamon a high mark is set for them to emulate. Unlike Macbeth, they have a spur to prick the sides of their intent and urge them on to great achievement in the public interest.

The Bar of Sangamon County always occupied an enviable position. Judge Joseph Gillespie, of Madison County, one of the great pioneer lawyers of the State, in a eulogy on the life of Major John T. Stuart, referring to the early Bar of this County, said: "They had no superiors—if equals—in any State in the Union."

Many causes contributed to that result.

First, there was the natural advantages of the Sangamon Country. In those early days, when agriculture was the only industry, it meant much to have a practically unlimited area of fertile soil ready for the plow.

It is difficult for us in this day of multiplied machinery, of automobiles, and aeroplanes and radios, to realize the amount of labor, time and patience it took to clear a forest farm with the ax and then for years thereafter to cultivate among the stumps in the clearing. In some way, not satisfactorily explained, nature kept this rich prairie soil free from tree growth, ready and waiting for the plow. As some wit has said, "All that was needed was to

plant the seed, tickle the ground with a hoe, and it laughed into a harvest."

In the days when subsistence was a problem the very name was an attraction, for in the Indian tongue, **Sangamo** meant "the land of plenty to eat."

With a rich soil, a salubrious climate, an abundance of pure water, and plenty of timber along the streams for building and for fuel, and with an abundance of game, the conditions were very favorable to life and health and prosperity.

These favorable conditions, which soon became quite widely known, led to an influx of settlers, mostly from Kentucky at first, soon, however, to be followed by immigrants from other southern States, and a little later, from the states to the East of us, and even from New York and New England.

Other inducements followed quickly. The keen demand for land led to the early establishment of a United States Land Office; and aided by our location near the geographical center of the State, and by the political sagacity and activity of Lincoln and the "long nine," Springfield became the capital of the State.

As a matter of course, the Supreme Court followed the capital, as did also the United States District Court; for at that time, the State constituted but one Federal Judicial District.

No wonder that this combination of advantages attracted the attention of ambitious young lawyers from the older settlements.

Two days hence Sangamon County will be 110 years old. It was established by act of the General Assembly on January 30, 1821; so that this meeting is in the nature of an anniversary—the 110th.

On February 6th, 1821, an act was passed establishing a Court of Probate, and James Latham was chosen as the first Probate Judge.

The first session of the Circuit Court was held on May 7th, 1821, in the home of John Kelly, with Chief Justice John Reynolds, afterwards Governor of the State, on the Bench.

There were four cases on the docket, one civil case for trespass, one indictment for riot, and two for assault and battery.

The Court had a rather inauspicious start; the civil suit was dismissed, and the criminal cases were all continued.

The next term was held in the new court house, on June 4, 1821.

This court house was built on contract by John Kelly, the first settler, at a cost of \$42.50, and so far as I could find out, was located on the south side of Jefferson, about sixty feet east of Second Street. As has happened here a few times since, the contractor made a claim for extras, and was allowed \$5.00. A new jail cost twice as much as the court house—\$84.75.

Two years later—(1823)—the town was regularly laid out by survey, and a United States Land Office established, with Pascal P. Enos as Receiver.

In 1825, the County had outgrown its first court house and a new one was built at the northeast corner of Sixth and Adams,

where the beautiful C. I. P. S. building has just been erected. This second court house cost \$575.00.

Six years later, in 1831, it was abandoned and a pretentious two story brick building was erected in the center of the public square, where the present court house stands, at the enormous cost of \$6,841.00.

It continued to be the seat of justice until 1838, when what is now Lincoln Square was deeded to the State, and the building was torn down to make way for the new State capitol, which, with some changes, is the present court house.

Thus the County was compelled to seek other quarters for its offices.

The next court house was built on the east side of Sixth, a little south of Washington Street, about where the Savoy Theater is now located. It and the old State Bank, both beautiful specimens of architecture, were the only buildings in that half block. It continued as the County's seat of justice until the present State capitol was completed in 1876, when the County moved into the old State House, where, with a short intermission, it has continued ever since.

Historical accuracy requires me to state that from the time Court House No. 3 was torn down in 1838, until Court House No. 4 was ready, in 1845, the County leased a part of "Hoffman's Row" for court house purposes. "Hoffman's Row" was on the west side of Fifth Street, a little north of Washington. And again when the present court house was being raised one story, in 1899, the County leased and occupied quarters in what was then known as the Odd Fellows' Building on the southeast corner of Fourth and Monroe.

So much for the buildings where the lawyers assisted in the administration of justice; now for the lawyers themselves:

During the first decade of the County's history, that is, from 1821 to 1831, the names of 22 lawyers appear on the court docket.

Among these were Judge Latham, the first Probate Judge; William S. Hamilton, a son of Alexander Hamilton, Secretary of the Treasury under Washington; John Reynolds, afterwards Governor of the State; Samuel D. Lockwood, afterwards a Judge of the Supreme Court; and John T. Stuart, who was generally recognized as the Nestor of the early Bar, although Judge Stephen T. Logan was conceded priority as the greater lawyer.

Here is a partial list of those early members of the Sangamon County Bar, the year of their arrival, and the population of Springfield at the time:

Name	Date	Population
William Hamilton	1823	about 150
John T. Stuart	1828	" 250
Stephen T. Logan	1832	" 750
S. H. Treat	1834	" 900
Ninian W. Edwards	1835	" 1000
Colonel E. D. Baker	1835	" 1000
Abraham Lincoln	1837	" 1100
Stephen A. Douglas	1837	" 1100

General James Shields.....	1839	"	1500
Ben. S. Edwards	1840	(census)	1600
Lincoln elected President.....	1860	"	9820
R. H. Patton, E. L. Chapin and I came in Springfield Metropolitan area.....	1885	about	21000
	1930	(census)	83000

I hope you do not fail to see the connection.

When Illinois was admitted to the Union in 1818, Nathaniel Pope was the Territorial delegate in Congress, and, as you are no doubt aware, rendered the State inestimable service by securing a shift of the northern boundary from the southern extremity of Lake Michigan to its present location, about 60 miles north. As originally located in the northwest territory, Illinois had no access to Lake Michigan. The change, secured by Judge Pope, has been of tremendous consequence to the State, and probably to the Nation.

When the new State was created a federal judicial district, Judge Pope was made the first district Judge, with headquarters at Kaskaskia. When the capitol was moved to Vandalia in 1820, the District Court moved with it, and again, in 1839, when the State capitol was moved from Vandalia to Springfield, Judge Pope and his court came along. He continued as District Judge till his death in 1850.

The District Court was for a time located on the Third Floor of the old Farmers Bank Building, on the Southwest corner of Sixth and Adams, the building in which Mr. Catron officed for some years, and in which was my first office in Springfield.

While the court was located there an event occurred which I think worth relating. It was told to me more than once by Judge A. N. J. Crook, with whom I then officed. He had served a term as County Judge of this County. He was also a Mayor of Springfield, and a member of the General Assembly from the Sangamon District, and very fond of reminiscing.

In 1842 Governor Boggs, of Missouri, issued a requisition on Governor Carlin of Illinois, for Joseph Smith the Mormon prophet, as a fugitive from justice. Smith had been indicted in Missouri for conspiring against the life of the Governor.

He was brought before Judge Pope in a Habeas Corpus proceeding. Justin Butterfield and Ben Edwards represented Smith, and Josiah Lamborn, then Attorney General, appeared for the State.

The Court room was packed full of men and women. Ladies occupied seats all about, even on the judge's platform—among them being Mrs. Lincoln, two of Judge Pope's daughters, a Miss Dunlap (afterwards Mrs. Gen. McCleernand) and many others. The Prophet was accompanied by his 12 apostles and several of the Saints, as the Mormons called themselves.

Mr. Butterfield was a striking figure when he rose to address the court. He wore a dress coat with shiny metal buttons, and a buff low cut vest.

After a dramatic pause, during which the people scarcely breathed, he began:

"May it please the Court:

"I appear before your honor under circumstances which might well embarrass the ablest and most experienced lawyer, circumstances most novel and peculiar; indeed—I may say—circumstances without precedent, for when up to this very moment, in all the long and glorious history of the Bar was a lawyer called upon to appear before the Pope; surrounded by Angels, (indicating the ladies) in the presence of the twelve apostles and the Saints, to defend a Prophet of the Lord?"

The evidence showed that Smith had not been in Missouri, and therefore could not have been a fugitive from Missouri Justice.

Judge Pope died in 1850 and was succeeded by Judge Thomas Drummond, who came from Maine to Galena, Illinois, in 1835. He was appointed Judge in February, 1850. He presided over the Federal Court in Springfield until 1855, when the State was divided into two Districts—Northern and Southern.

Judge Drummond took the Northern, or Chicago District. Judge Samuel H. Treat was appointed in the Southern, or Springfield District, and held the place until his death in 1887.

Judge Treat came to Springfield in 1835 and spent nearly all of his long life on the bench. He served two years on the Circuit Court Bench, fourteen years in the Supreme Court of Illinois, and thirty-two years as Federal District Judge, making a continuous and successful judicial service of forty-eight years.

He was in many ways a notable man. When I knew him he had almost grown to be a judicial automaton. I mean by that, he administered justice without any apparent effort, with machine-like accuracy and wholly regardless of personalities.

He was exceedingly economical of words, whether with tongue or pen. His Supreme Court opinions are models of brevity and of clarity. No one can fail to see the point in issue or how it was decided. I never heard anything about him as a trial lawyer.

Many of you, indeed, most of you, remember his successor, Judge William J. Allen, familiarly known in Southern Illinois as Joshua Allen, one of the kindest, most courteous and most obliging of old school gentlemen. He served a term as United States District Attorney in the latter part of the '50's.

He came to Springfield from Southern Illinois in 1886, when he was 57 years old, probably a little too old for successful transplanting.

He had a very wide and well-deserved reputation as a trial lawyer. On the Bench he won and held the esteem of all who came in contact with him.

In his early life he had been a partner of General John A. Logan, and they always remained friends, although differing radically in politics in later life.

Judge Allen's paternal grandfather was one of the seven men killed in General Jackson's army at the battle of New Orleans.

Judge Allen's successor, Judge J. Otis Humphrey, passed away so recently as to make comment unnecessary.

He read law in the office of Robinson, Knapp & Shutt. When Mr. Hay withdrew from the firm of Hay, Greene & Littler it was reorganized as Greene, Burnett & Humphrey. Judge Humphrey had a brilliant mind, and an aggressive driving manner which some thought better adapted to the Bar than to the Bench.

I always thought that he suffered somewhat as a trial lawyer from his long association with Mr. Greene, who always took the leading part in their trial work, leaving little for those who followed him on his side of the case. Judge Humphrey passed away in his intellectual prime.

From its organization until his death, he was the President of the Lincoln Centennial Association. His introductory addresses at the annual meetings of that organization are models of sparkling eloquence.

It is quite unnecessary to say that he was succeeded by Judge Louis FitzHenry, the present genial, capable and painstaking District Judge, who we hope will rival Judge Treat in length of service.

The creation of the Eastern District of Illinois greatly diminished the volume of important business in the Southern District. East St. Louis, as a great railroad center and an interstate terminal, formerly furnished a large amount of the business of the District Court here, none of which comes to us now, although there is plenty of a less desirable kind.

Turning from the Federal judiciary to the State courts, I want to go on the record as saying that Sangamon County has been exceedingly fortunate in the judges who have presided over our Circuit Court, as a mere calling of the roll will show. John Reynolds, John Y. Sawyer, Samuel Lockwood, Stephen T. Logan, Jesse B. Thomas, Samuel H. Treat, David Davis, E. Y. Rice, Benjamin S. Edwards, General John A. McClernand, Chas. S. Zane, William Vandever, Judge Welch, William L. Gross, Jesse Phillips, Jacob Fouke, Robert B. Shirley, and James A. Creighton.

Judge Smith and Judge Briggle, who are still with us, you are all quite familiar with, and know they are worthy of places in that illustrious line.

When I came to the Bar, James H. Matheny, Sr., was,—and for 12 years theretofore had been, Judge of the County Court, which then included probate business. I knew him, and remember him, quite well. He was the personification of kindness, especially to young lawyers. He did no trial work in my time, but he had the reputation of being a power with juries, especially in criminal cases.

I can testify that he was a very powerful speaker before mixed audiences. I have heard him often addressing old settlers' meetings and picnics; but it was at Grand Army gatherings that he was at his best.

When talking to his old comrades of the Civil War, and completely carried away by his emotions, he actually thrilled his au-

dience with a torrent of eloquence, his old eyes would literally sparkle with excitement as he described their battles, and their marches, and their camp fire scenes, while his enraptured audience hung on every word.

In the strength and fervor of appeal to the old soldiers of the Civil War, among those I have heard, I would place Judge Matheny and Governor Dick Oglesby in a class by themselves.

Judge Matheny died in 1890, a few months before the end of a term, and Robert L. McGuire was appointed by the Governor to serve out that term.

Judge McGuire was succeeded by George W. Murray, who became almost as popular in the County as Judge Matheny had been. He served several terms in that office and passed away so recently as to be well remembered by all.

I should state that Charles P. Kane dovetailed one term in that office between the terms of Judge Murray. Judge Kane, who died in 1918, did not court experience as a trial lawyer, but he knew the law very well. He was a great student, both in the law and in general literature, and a very genial companionable man.

Gentle, genial, lovable Eugene E. Bone was the latest of the County Court Judges to answer the last call. We all remember him with affection.

The census of 1900 showed that Sangamon County had sufficient population to justify a separate Probate Court, and William H. Colby, whom I have already referred to as a member of the firm of McGuire & Colby, was elected as the first Probate Judge of the County. He was both successful and popular. He died suddenly in the Court room during his term of office.

Judge Henry A. Stevens, father of Albert H. Stevens, succeeded Judge Colby and served a very successful term.

As the other gentlemen who served in judicial positions in the County are still with us and we hope will long continue to be with us, they do not come within the scope of this paper.

Under the constitution of 1848, States Attorneys were elected for Judicial Districts, but under the Constitution of 1870 they were elected for Counties only.

Mr. L. F. Hamilton was the first States Attorney under the Constitution of 1870.

Robert Hazlitt, who came from Gardner Township, followed him.

James B. Jones, a Ball Township boy, came next.

Noah Turner followed Jones and died during his term. Mr. W. H. Colby served during Mr. Turner's illness, and until the end of that term. I followed next, in 1892, and was succeeded by E. S. Smith.

W. E. Shutt, Jr., followed Judge Smith, and was followed by Frank Hatch.

Mr. Hatch was followed by Edmund Burke, and he by C. F. Mortimer.

This brings us to the present States Attorney—Mr. H. E. Fullenwider.

Time will not permit me to even mention any of the many cases of public interest which were handled through that office.

For a better understanding of the situation in 1885 it is necessary to go back of that date for perspective.

The firm of Robinson, Knapp & Shutt was dissolved in 1881 by the death of A. L. Knapp, familiarly known as "Tony" Knapp. It was later reorganized as Palmers, Robinson & Shutt.

The firm of Hay, Greene & Littler had been dissolved in 1879 by the retirement of Mr. Milton Hay, and was reorganized in 1883 under the name Greene, Burnett & Humphrey.

Henry S. Greene came to Springfield from Clinton, DeWitt County, and at once took a place in the front rank at the Bar.

He was born in Ireland, his parents having emigrated to Canada when he was six years old.

While yet a mere boy he crossed over to New York State and later on drifted to Indiana and finally to Illinois.

He read law with Mr. Hugh Crea, then of Indiana, and later with Mr. Lawrence Weldon, of Clinton, Illinois. He was admitted to the Bar at Springfield on motion of Abraham Lincoln. He served a term in the State Legislature, and at the end of the term located here as a member of the firm of Hay, Greene & Littler in 1869.

Mr. Greene was generally recognized as a very able lawyer. He argued a case to the court with consummate skill. He had a large railroad clientele.

He rarely spoke to general audiences. I heard him only once out of court. He delivered an address on the Irish Land Question in the old Chatterton Opera House to a very large audience.

His language was fine and his points well chosen but his voice was not equal to the occasion. It was about the time his health began to fail.

I was present in the Circuit Court when he broke down while arguing a case before Judge Creighton. He lost the power of utterance and would have fallen had he not been caught and placed in a chair.

I think it was his last appearance in that Court. He died in 1899, after a lingering illness.

Mr. Greene was a very fine character and enjoyed the respect of all who knew him.

The firm of Stuart, Edwards and Brown was still in existence in 1885, but the death of Major Stuart in the fall of that year, and the death of Judge Edwards in the spring of 1886 left only Mr. C. C. Brown, who soon afterwards reorganized the firm under the title of Allen, Brown & Brown, the junior member of the firm being Mr. Stuart Brown, son of Christopher Brown, whom most of you remember as a good lawyer and a fine scholarly gentleman.

The firm of Patton and Hamilton was in full swing and doing a large volume of business.

Bradley & Bradley were also active, and the senior member of the firm, L. H. Bradley, was recognized as one of the leading

trial lawyers of the city. In the late '80's he moved to Omaha, Nebraska, where he died not very long ago.

Gross & Broadwell were also prominent. Judge Broadwell had served a term as County Judge beginning 1862. He also served as member of the legislature, and as Mayor of Springfield. He was a good lawyer and a kind, genial gentleman. William L. Gross was also a good lawyer. He had been a stenographer in the army during the Civil War, and was breveted Colonel at its close.

Conkling & Grout were not yet associated as partners. Joe Grout had been associated with Thomas Sterling under the style of Sterling & Grout. That firm was dissolved by Mr. Sterling's migration to South Dakota. He had been principal of schools at Bement, Illinois, for a few years while I taught in Ivesdale, the next town to the East. I met him there at teacher's meetings and other places. We next met in Washington about 35 years later when he came to the United States Senate from South Dakota while I was a member of the House. He died last autumn.

Conkling & Grout formed a partnership about the end of 1885, which continued till Joe's death.

They made a strong team. Each was in a way the complement of the other.

Joe Grout was a good trial lawyer. Very bright and quick as a steel trap. Mr. Conkling looked after the law of the case. He supplied the dignity. If any comedy was needed Joe furnished that. They handled much business of large importance, very successfully.

Major Bluford Wilson was well established here in 1885. He was appointed United States District Attorney during the first Grant administration, and was afterwards made solicitor of the Treasury during the activities of the infamous whiskey ring, and would have turned things upside down by the vigor of his prosecution if he had been given leeway.

When President Grant learned about the things that were going on he sent the famous laconic telegram:

"Let No Guilty Man Escape."

Major Wilson took the order literally, and started to obey it. He helped to send several of the guilty to the penitentiary, but was not allowed to finish the job. He didn't know how to soft pedal. He was Master in Chancery in the Federal Court under Judges Treat, and Allen.

He was a fine lawyer and a fine gentleman. He was an omnivorous reader, and kept well abreast of the times in Historical, Scientific and Literary matters. In the latter part of his life he was associated with his son-in-law, Phillip Barton Warren, a very bright, capable young man, and one of the hardest workers at the Bar, whose mentality and ambition far exceeded his physique. He died prematurely.

Major James A. Connolly was appointed United States District Attorney in 1876 and was reappointed twice. In 1886 he

formed a partnership with Thomas C. Mather. They enjoyed a lucrative practice under the firm name of Connolly & Mather.

Major Connolly had a brilliant war record. He served two terms in Congress with distinction. In thinking of him I am reminded of the tobacco chewing story Clarke E. Carr tells about Milton Hay. Mr. Hay stuck to the habit, but I think the quid he mentions had grown some by 1885.

With all his long practice Mr. Hay was not an expert expectorator—far from it. I knew only one member of the Bar less expert, and that was L. F. Hamilton, who was, I think, the most inexpert spitter I ever saw, although there are still some with us who lack a lot of being spit artists. I mention this by way of comparison with Major Connolly, who was the neatest, cleanest, most accurate and most entertaining expectorator I ever saw. I think he could hit a fly 3 times out of five, at four yards.

Major Connolly was a bright man and a good lawyer. He was small but well formed, with a fine ringing voice, almost perfect enunciation, and a clear, cogent, attractive style. He was a very effective prosecutor.

I recall an incident which occurred in the Federal Court while he was District Attorney, which is worth repeating.

Governor Palmer and I were waiting to defend a client charged with an offense against the Postal laws.

The Governor was conversing with a rather fresh young lawyer from an Eastern State who had a matter pending for trial.

The visitor was telling why he was present and said: "A Mr. Connolly is on the other side of the case. Is he present now, I'd like to meet him." The Governor said he was present, and pointed him out.

The stranger smiled and remarked, "That little fellow, why he doesn't weigh much over 100 pounds."

With an amused smile the Governor said, "Before you're through with him you'll think he weighs a ton."

McClernand & Keyes were quite prominent in 1885. The General was then well over 70, and doubtless a little beyond his best, but he was quite vigorous in body and mind. He had served in the ranks in the Black Hawk War when he was only 20. He served three terms in the General Assembly and five terms in Congress. He prepared and introduced the bill giving the I. C. R. Co. the grant of land which did so much to develop the State of Illinois. His activities in the Civil War are matter of history.

Mr. Keyes and he were both good lawyers, and any one opposed to them in a trial knew he had been in a fight.

Mr. Keyes served successfully for several terms as Master in Chancery. Far as I knew he was never associated with any lawyer but General McClernand, whom he almost worshipped.

General McClernand is the only one of the great Civil War generals whose body lies at Springfield. Only a few days ago his widow died in Peoria, and her body was laid to rest by his side in Oak Ridge Cemetery.

The stone which marks his last resting place there truthfully tells us he was soldier, lawyer, patriot and statesman.

It would prolong this paper beyond reason to speak even briefly of all the various members of this Bar who have passed from among us in the past 45 years. The exhaustive report of the necrologist makes that very clear, but I feel that I should at least mention the names of some whom the older lawyers will be pleased to recall, and whom I have not referred to at greater length:

James C. Conkling, Father of Clinton L., learned, precise, sedate, dignified, served for several years as Postmaster after retiring from practice of the law.

Joseph Wallace, brother-in-law of Lincoln, author of Illinois and Louisiana Under French Rule; a real history showing research and learning.

James A. Kennedy, lawyer and Justice of the Peace.

John F. Barrow, jolly and genial. Could qualify as first mate on Mr. V. Y. Dallman's flagship "Smiles."

George A. Sanders and William E. Bowers, made a specialty of bond business and collections.

Ralph W. Haynes, a very promising young man. He accepted a government job in Washington, and practically disappeared.

Wiley E. Jones, served a term in the legislature. Went to Arizona, where he became Attorney General of the State, and died there a few years ago.

Elmer Parks, easy going and jolly. Second mate for the good ship "Smiles."

Hugh Chumley, optimist. Loved to talk of his aristocratic British ancestors and tell how they spelled the family name, "Cholmondeley." He adopted the phonetic form "Chumley," and stood up under it very well.

James E. Dowling came from Menard County in the '70's. No other lawyer here looked so profound. He knew a lot, too. More than once I have heard men say, "I wish I was as wise as he looks."

Webner E. Loomis, lawyer, mathematician, astronomer, inventor, student; related to the author of Loomis' Algebra and Geometry, which were quite popular half a century ago. Web acquired a reputation for beginning law suits but rarely concluding them.

Alex J. Walker, brilliant at times, a little erratic at other times.

Bart Galligan, philosopher, student; inclined to be pessimistic.

H. Clay Wilson, the best dresser, and almost the best looker at the Bar.

Chas. E. Selby, genial and good natured, took to politics, served in the General Assembly.

John C. Snigg, the wit of the Springfield bar.

Andrew J. Lester, ambitious, oratorical; unwilling to climb slowly. Went to New York to live.

Hugh Dikis and Burke Vancil, came from neighboring farms near Waverly; two very fine characters.

Ned Robinson, Referee in Bankruptcy under Judge Humphrey, and a very excellent one.

W. A. Northcott, served three terms as State's Attorney of Bond County; was Lieutenant Governor of Illinois; head of the Modern Woodmen of America; a fine public speaker and a great organizer.

T. J. Condon, who made one of the gamiest fights imaginable to gain admission to the Bar. He had been a locomotive engineer, and became involved in the great Wabash strike, although he was opposed to it. He worked hard at the Bar and got a very good grip on the law. A fine specimen of physical manhood.

Tim McGrath came to the Bar in 1885. A very careful, studious lawyer of unblemished character, disposed to be somewhat technical.

A. G. Murray, brother of Judge Murray, and a very good lawyer. Davis McKeown, was assistant State's Attorney under James B. Jones, a careful, painstaking, hard-working lawyer, and a square shooter.

Sidney Breeze, grandson of Judge Sidney Breeze, one of the pioneer lawyers and judges of Illinois—and himself a lawyer of fine character and ability; and finally, there was

Charlie Gibbs, a lawyer with a dark skin but a clean heart, a philosopher and a humanitarian, a man who had been severely buffeted by the storms of life, but who retained his fine human sympathy to the last.

Pardon me if I return to the early '80's and dwell a while on some of those lawyers who—if not abler than these I have mentioned—at least were more in evidence before the courts and in the public eye.

James H. Matheny, Jr., was admitted to the Bar in 1877—there were few closer students of the law, and very few who had higher professional ideals than he. He did not court jury trial work, but he had a large and valuable chancery practice and a good office business. He made it a point to read all the opinions of the Appellate Court as they were published. His death was a loss to the Bar.

Albert Salzenstein was admitted to the Bar in 1881. He passed the Bar examination in 1880 but being only 20 years old, had to wait almost a year before a license could be legally issued to him. He was of studious habits, had a thorough knowledge of the law and of the history of the law, and an absolute confidence in his judgment as to the application of the law to a given state of facts. He had a high conception of the ethics of the profession and lived up to it.

Mr. S. P. Wheeler came to Springfield from Cairo about 1888 to take the place of Judge Allen in the firm of Brown, Wheeler & Brown, in which association he remained till his death. He was a sound lawyer and a good citizen.

Judge Thomas F. Ferns came to Springfield from Jerseyville where he occupied a foremost place at the Bar of Jersey County. He

had a good business till his health failed. He served successfully as Master in Chancery. Owing to continued ill health he virtually withdrew from practice some time before his death. A. L. Knapp, I never saw, but all reports made him one of the leaders of the profession. Mr. Shutt thought him the leader.

Mr. Milton Hay was still a prominent figure in Springfield in 1885, although not then in active practice.

I heard him a few times in the Circuit Court. His style was very deliberate and his language simple. He gave one the impression that he had no particular interest in the result—that he was merely trying to help the Court.

Clarke E. Carr, in his book, "The Illini," gives a rather interesting description of Mr. Hay on the occasion of their first meeting, in Pike County, in 1858. I quote:

"He had a Websterian forehead, florid complexion and a round cheery face. He had, dancing on his lips, a small round quid of tobacco, about the size of a pea, which he always kept rolling from side to side of his mouth. I saw him afterwards quite frequently and he was always smiling and rolling about what seemed to be the same little quid of tobacco.

"I asked Mr. Hatch, who is that man?

"That is Milt Hay," said he, "the best lawyer in the country. He is about to move to Springfield."

Speaking of Governor Palmer, in 1854 Mr. Carr says: "Palmer was a striking figure. He impressed me as a broad-minded man, too good a lawyer to be a great statesman, and too able a statesman to be a great lawyer. He had no regard for party unless it happened to represent his own views."

Mr. Carr quotes some comments made on the public men of Illinois at that time, by Leonard Swett and W. H. Herndon.

He says they spoke of Lyman Trumbull as a cold blooded Connecticut Yankee, who was a thorough lawyer and a student.

Of General McCleernand as "The Grecian Orator," and of John M. Palmer as an able man but too impracticable to succeed.

John A. Logan was a daredevil, carousing fellow who had become a power down in Egypt.

Swett undertook to defend Logan, and said he was just a Douglas-worshipping, nigger-hating, fun-loving, riproaring Egyptian Democrat.

James C. Robinson, familiarly known as "Governor," I had seen and heard. He was not a great lawyer in the sense of being learned in the law, but he was a powerful, if not very elegant, speaker. He made a powerful appeal to a jury, as he did also to a mixed audience.

I saw John T. Stuart but never heard him in court. He died in the fall of '85. He was spoken of as the Nestor of the Bar but all agreed that in knowledge of the law Judge Logan ranked him.

The Junior member of the firm, Mr. C. C. Brown, was a man of mark. It would be hard to find a finer looking specimen of physical manhood. He was not a great lawyer but he was a good

business man and was, I believe, the business manager of the great firm he was identified with. He was one of the kindest of men.

What Mr. Brown was to his firm, Mr. W. E. Shutt was to the firms with which he was associated. Mr. Shutt's judgment of the law was good—but he understood it better than he could tell it. He was a good business man, and as loyal a friend as any one could have. He made a good District Attorney, and an excellent Referee in Bankruptcy.

General Alfred Orendorff, who was associated with James A. Creighton from 1877 to 1885, and afterwards with Mr. R. H. Patton, might truthfully be called the Prince of good fellows. He never tired of helping others. He was a bright, capable man, familiar with the principles of the law, but I have a suspicion he didn't like the hard work and constant application necessary to achieve greatness in that exacting profession. He had a fine sense of humor, loved social occasions, and excelled as a post-prandial orator. He deserved and had a legion of friends.

He was for a time in partnership with Lincoln's old associate, W. H. Herndon. He served in the General Assembly and as Adjutant General of the State during the Altgeld administration.

Major Samuel D. Scholes, who was my first law partner, came from Peoria to Springfield in 1866, the year he was admitted to the Bar.

Mr. Scholes was a fine chancery lawyer, having served several terms as Master. He did not care for jury trial work. Our partnership ceased when I became State's Attorney in December, 1891.

Judge Thomas S. Casey came to Springfield from Jefferson County in 1886. He had just completed a six year term on the Circuit and Appellate Benches. He was a very distinguished looking man, well over six feet and of fine proportions. He frequently—indeed, usually — wore a full dress suit which admirably showed off his fine physique and made him the observed of all observers.

He had a brilliant mind and was a good lawyer.

He distinguished himself in the Civil War as Colonel of a regiment which afterwards became the 110th Illinois Infantry. He served under General Palmer at the Battle of Murfreesboro, where his regiment resisted and broke up an enemy attack with clubbed muskets after their ammunition had given out.

James A. Creighton came from Wayne County to Springfield in 1877 and formed a partnership with General Orendorff.

He was the working member of the firm. He told me he made it a point to be in his office at seven o'clock every morning.

He never ceased being a hard worker. He had an addition made to his home on Second Street for a den or office where he worked evenings. Judge Creighton had an analytical mind and wanted to get to the bottom of everything.

I saw but little of him as a trial lawyer. He was elected to the Circuit Bench in June, 1885, and from that time on I saw a great deal of him, both on and off the Bench. No man ever wanted

more than he did to be a good Judge, and few, if any, ever worked harder than he to achieve that ambition.

When he went on the Bench the local Bar was usually strong and jury trials were battles waged without quarter.

Palmers & Shutt, Patton & Hamilton, Greene, Burnett & Humphrey, McClernand & Keyes, Gross & Broadwell, Conkling & Grout, McGuire & Colby, Major Connolly, L. H. Bradley, and other fine lawyers were in their prime, all really great trial lawyers, each perhaps thinking himself the best of all.

Often as many as three firms would be represented on each side in important cases, civil or criminal.

Questions as to the admissibility of evidence were, I think, given more importance—at least were more hotly contested—than later.

The courts developed a more liberal tendency towards the admission of evidence that had any relevance.

However that may be, when Judge Creighton first went on the Bench, contentions over the admissibility of evidence were frequent and vigorous—almost violent.

I have often seen a large part of a day spent in argument and in the search for authorities as to the admissibility of certain evidence, and I have seen the Judge adjourn court for the day that he might go to the State Law Library to run the question down, saying it was cheaper and better for the litigants to wait and have the question decided right.

He early determined to master the subject of evidence.

He made an intensive study of it, and before very long he felt able to dispose of all questions of that kind promptly.

I wonder if you know that at one time he had the manuscript of a work on Evidence ready for publication, and had arrangements for its publication made, but just then Dean Wigmore's voluminous work appeared, and he and his publishers concluded they were too late.

As a matter of fact, however, there would have been little conflict, as Judge Creighton's book was a scientific treatise dealing with the principles of evidence somewhat after the plan of Stephen's little book, whereas Wigmore's work deals more with substantive law than it does with Evidence.

He intended prefacing the volume with a complete skeleton outline or diagrammed analysis giving a bird's eye view of the whole subject.

I went over it all, as a sort of proof reader, at his request, and had and still have somewhere a copy of the skeleton or analytical outline. I regard Judge Creighton as a very high authority on the question of the admissibility of evidence.

His work in the Appellate Court will always stand as evidence of his power to analyze the facts of a case and to apply the law to them. He admired Judge Treat's opinions and in a way modeled his after them.

He was a sound lawyer and a great Judge.

Mr. J. W. Patton lived too near our time to be a proper subject for comment, probably all of you remember him as Postmaster and many of you also as lawyer.

He was an indefatigable worker and one of the most tenacious of men. I said in substance a few years ago, and I repeat it now, that I doubt if he could see through a complicated legal situation as quickly or as clearly as a certain descendant of his with whom we are all familiar, but he could stick to it and wrestle with it till he did see it, and while his words were not as rapier like as those of that descendant, he would stay with it till he made the Court or the Jury see it.

He and Mr. Hamilton made a very strong team.

Governor John M. Palmer was in many ways a remarkable man.

He was of magnificent physique, a little under 6 feet tall, weighing over 200 pounds, with a large, well-shaped head well set on a finely formed trunk, as may be seen from the figure in the State House grounds, which is a good representation.

Physically and mentally he was fearless, strong and well equipped.

He had a rich, pleasing voice, a good vocabulary, a very accurate knowledge of the meaning of words, and used them with accuracy.

He had a wealth of information on almost every subject, and used it to illustrate his points.

Indeed, he sometimes followed an illustration too far from the main stem of his argument, but he always came back to it.

He analyzed a situation with great clearness, and reasoned about it with great cogency.

I thought he could unravel a complex situation and make the little things in it stand out more clearly than any one, although Mr. Henry Greene was also very strong in that line.

Judge Creighton, with whom I had many quiet conversations about the lawyers, said one day: "If you grant Governor Palmer's premises you can hardly escape his conclusions."

Governor Palmer was by nature a partisan. He was never on the fence—never neutral. He was on one side or the other, and it was no trouble to find out which side he was on.

He was very strong in the fundamental principles of the law, but he did not—when I knew him well—pretend to keep up with the almost infinite number of court decisions. John Mayo was much better at that than his father.

A client told of laying the facts of a controversy before him for his opinion and advice.

After hearing the story the Governor said: "Well, on that state of facts the law should be, thus and so. John, what do the cases say about it?"

He was especially strong on constitutional lines.

It was fortunate that he was Governor from 1869 to '73, when the constitution of 1848 was going out and the constitution of 1870 coming in.

The former permitted special legislation and the rush to get special laws enacted under it was simply awful.

The printed private session laws for the 1869 session made over 2800 pages, the general laws only 480 pages.

The Governor vetoed a very large number of bills but many of them were passed over his veto. His veto messages showed both courage and understanding.

His correspondence with President Grant over the Federal invasion of Illinois during the Chicago fire in 1871 had a fine and much needed effect in reminding the Federal authorities and the people that the legitimate rights of the states still existed.

He also rendered fine service to the country when at President Lincoln's special urgance he acted as Military Governor of his native state of Kentucky at the close of the Civil War.

Governor Palmer was a great conversationalist. Under proper conditions he loved to talk about the Civil War, and about the lawyers he had known, and on such subjects he was very interesting and entertaining.

I have often speculated as to how much the Civil War had to do with the elevation of many of the men of that period to the places of prominence which they deservedly occupied.

At the Sangamon County Bar were the following who made distinguished Civil War records:

Major General John M. Palmer;
Major General John A. McClernand;
Colonel James H. Matheny;
Colonel William L. Gross;
Colonel Thomas S. Casey;
Major James A. Connolly;
Major Bluford Wilson;
Major Samuel D. Scholes; and
Major Alfred Orendorff;

not to mention the great Commander-in-Chief of the Army and Navy, Abraham Lincoln.

In 1885 and for several years thereafter, I think it was generally conceded that Governor Palmer and L. F. Hamilton stood at the head of the Springfield Bar. They were different types and it is not very easy to compare them. Governor Palmer had a broader outlook, a clearer comprehension of fundamental principles, and greater felicity of statement.

Mr. Hamilton knew the law well. He was constantly engaged in trial work, embracing every character of cases and against able lawyers.

He prepared very carefully for every case, and clearly, a lawyer who had many trials, embracing all sorts of cases, and makes thorough preparation must, perforce, be familiar with the law. Mr. Hamilton was familiar with the court decisions, and measurably, with the fundamentals of the law.

Governor Palmer's early training went back to a time when lawyers relied more on the application of legal principles than on the citation of cases, and that plan certainly tends to mental breadth and depth too.

If we are to go on relying on cases, the practice of the law will eventually become a trade instead of a profession. The best lawyer will be the one who can make the most careful and prolonged search for a decided case that fits his facts, and needless to say, one does not have to be a lawyer to do that.

Mr. Hamilton was not as skillful in the choice of words as Governor Palmer, or as Henry Greene, or as Major Connolly at his best, but before he left his subject he would cover every point. He would present every side of it *at least* once.

Palmer and Hamilton were usually on different sides, and it is possible, if not probable, that there was some feeling of rivalry. I can say that I never heard Governor Palmer express or show any sign of jealousy of any one.

In speaking of these two giants of the profession on a former occasion I said their contests reminded me of a combat between Hercules wielding a club and D'Artagnan with his trusty rapier.

Mr. President, the Law is a great profession, and in a civilized society must always remain so. Its importance at any time will be measured by the fidelity with which the lawyers stick to the best traditions of the Bar. They must stand resolutely for what is honorable and ethical. There is no other class of men so trusted and that will be true as long as they deserve it, and possibly a little longer, but if they are to remain leaders of public and political opinion they will have to abandon a blind adherence to precedents. New conditions are calling loudly for new precedents.

Conditions are approaching—if not already upon us—which make the old precedents inapplicable, and I think that if true to themselves and their profession the lawyers will make the safest guides in the future as well as in the past.

Like the other professions, the law is becoming so crowded that success calls for close application, and hard, very hard, work.

Lord Eldon said, "Who would be a great lawyer must live like a hermit and work like a horse," but it is not quite so bad as that now.

The true representative of the legal profession will never forget that, after all, his proper function is to aid the court in the administration of justice.

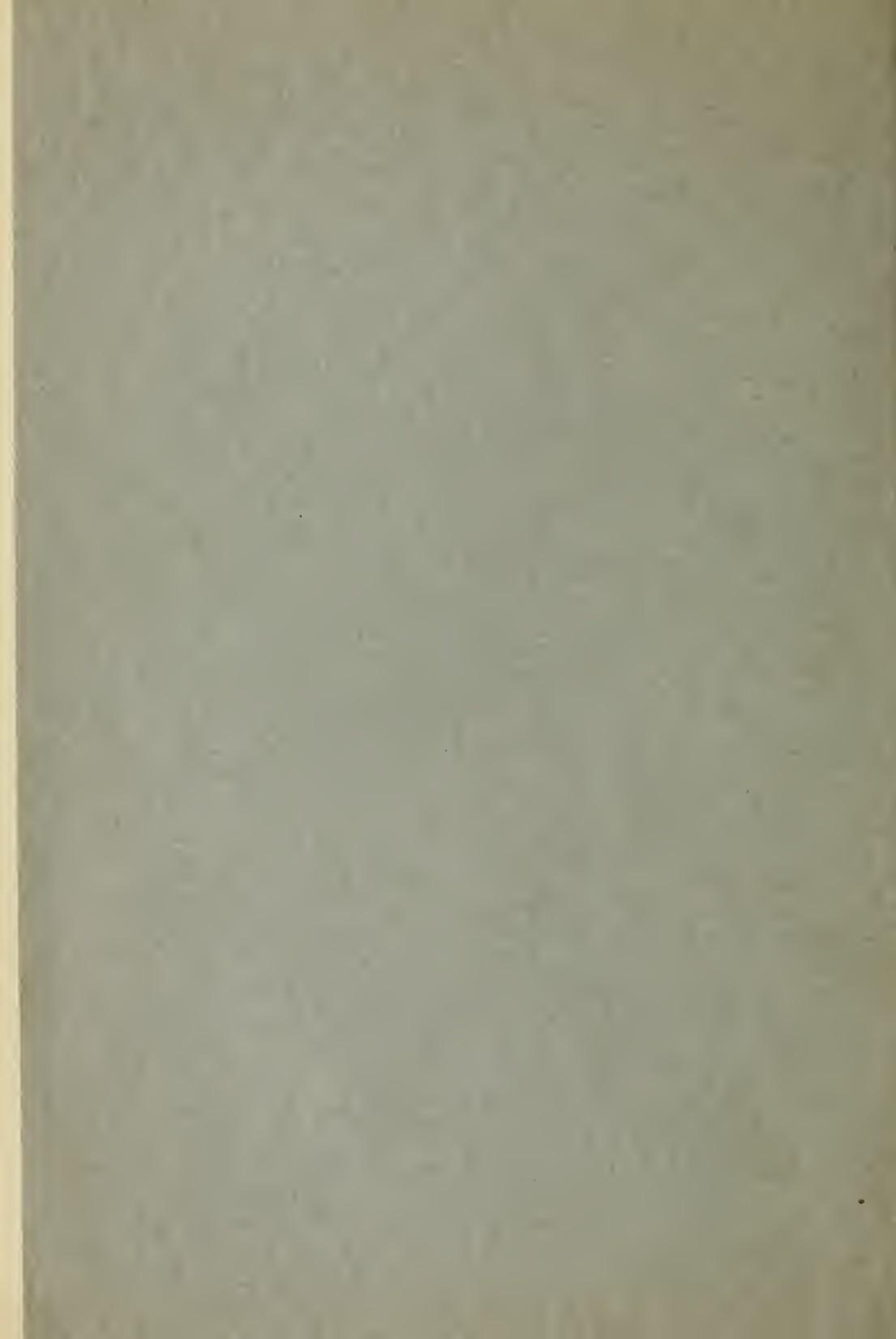
And justice is the greatest thing in the world.

Justice includes all the virtues. Without justice there can be no true liberty.

Justice is the very flower—the crown—the glory of civilization.

There can be no higher duty cast on the citizen than the duty cast on the lawyer to aid the court in the administration of Distributive Justice.

To that duty, I trust, the members of the Sangamon County Bar will ever prove true.







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